

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q95455

Takashi YAMASHITA, et al.

Appln. No.: 10/585,693

Group Art Unit: 1633

Confirmation No.: 4348

Examiner: Fereydoun Ghotb SAJJADI

Filed: November 9, 2006

For: TRANSGENIC BIRD AND METHOD OF CONSTRUCTING THE SAME

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98**

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants hereby notify the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed after a Final Office Action, and therefore the fee of \$180.00 under 37 C.F.R. § 1.17(p) and a Statement Under 37 C.F.R. § 1.97(e) are submitted herewith.

Applicants enclose herewith a copy of a Supplementary European Search Report issued in EP 04820979.5, citing the documents submitted herewith. Applicants note that WO 99/19472, was cited in the Information Disclosure Statement filed June 19, 2008, and accordingly, is not

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being submitted herewith. Applicants respectfully request consideration of foreign language reference WO 2004/016081.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: August 20, 2009

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STATEMENT UNDER 37 C.F.R. § 1.97(e)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

/Alan C. Townsley/

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